

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3040 OF 2007

Shri Amrish Deepak Giri. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

K.S.Patil for the applicant.

S.S.Pednekar, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 14th September 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with CR.No.243/2006 registered with Bhadrakali Police Station, Nashik for the offences punishable under sections 307, 120-B of Indian Penal Code and sections 4 and 5 of the Indian Explosive Act and section 9(B)(1)(B) of Explosive Substance Act.

3. The learned counsel for the applicant submits that in the entire chargesheet no specific role is

assigned to the applicant. Mere recovery and/or seizure of motor cycle alleged to have been used in some other offence cannot be a ground. I was also taken through the material available on record. Nothing incriminating is found against the applicant-accused.

4. One co-accused, namely, Jaya Ramdas Ahire has already been enlarged on bail by the Sessions Court vide order dated 4th April, 2007 passed in Criminal Misc.Application No.220/2007. The accused No.1- Wasim @ Jakir @ Sanny Jabbar Ali has also been enlarged on bail by the Sessions Court vide order dated 25th May, 2007 passed in Sessions Case No.16/2006, though, in his case there is contradictory findings recorded by the Adhoc Additional Sessions Judge-4, Nashik while granting bail. That not being a subject matter of the present application, I refrain myself from making any further comments. However, considering the material available on record, present applicant would be entitled to bail on parity. In these circumstances of the case, I am inclined to grant bail to the applicant, subject to the following conditions:

(a) The applicant, arrested in connection with CR.No.243/2006 registered with Bhadrakali Police Station, Pune shall be enlarged on bail in the sum of Rs.25,000/- with one or two

local sureties to make up the said amount.

(b) The applicant shall report to the concerned Police Station once in a week, i.e. on every Friday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applic/ant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicant shall co-operate with the investigating agency for disposal of the

case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

5. Application stands disposed of accordingly.

JUDGE